

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHARLES HOLBROOK,
Plaintiff,

vs.

STATE OF MICHIGAN,
Defendant.

Case No. 1:20-cv-687

Barrett, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff, an inmate at the St. Louis Correctional Facility in St. Louis, Michigan, has filed a complaint pursuant to 42 U.S.C. § 1983 against the State of Michigan. (Doc. 1).

Plaintiff has not paid the filing fee or filed a motion for leave to proceed *in forma pauperis*. The Court will not issue a Deficiency Order in this action, however, because this action is not properly filed in the Southern District of Ohio.¹

28 U.S.C. § 1391(b) provides that civil suits may be brought only in the judicial district where (1) any defendant resides, if all defendants reside in the same State; (2) a substantial part of the events or omissions giving rise to the claim occurred; or (3) any defendant may be found, if there is no district in which the claim may otherwise be brought. In this case, plaintiff seeks injunctive relief against the State of Michigan. It also appears that the events giving rise to plaintiff's claims occurred Michigan and not in any county located in the Southern District of Ohio. The Southern District of Ohio is not the proper venue under section 1391(b).

¹ Plaintiff has filed multiple actions in this Court which have been transferred to Michigan district courts. *See, Holbrook v. Warden*, Case No. 1:16-cv-592 (SJD; KLL) (S.D. Ohio May 31, 2016); *Holbrook v. Warden*, Case No. 1:16-cv-660 (MRB; KLL) (S.D. Ohio June 20, 2016); *Holbrook v. Pals*, Case No. 1:16-cv-1013 (TSB; SKB) (S.D. Ohio Oct. 20, 2016); *Holbrook v. Pals*, Case No. 1:16-cv-834 (TSB; SKB) (S.D. Ohio Aug. 11, 2016). *Holbrook v. Pals*, Case No. 1:17-cv-186 (TSB; SKB) (S.D. Ohio Mar. 20, 2017); *Holbrook v. Warden*, Case No. 1:17-cv-274 (WOB; KLL) (S.D. Ohio Apr. 24, 2017); *Holbrook v. Warden*, Case No. 1:20-cv-501 (MWM; SKB) (S.D. Ohio June 29, 2020).

Accordingly, it is recommended that this action be dismissed without prejudice subject to refiling in the proper venue.

IT IS SO RECOMMENDED.

Stephanie K. Bowman

Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).